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...we will forge new relations with First Nations, founded on reconciliation, recognition and respect of aboriginal rights and title.

Premier Gordon Campbell

Cabinet Swearing-in Ceremony, June 16, 2005

We look forward to a second meeting of aboriginal leaders and First Ministers to pursue agreement on a comprehensive agenda of action for the benefit of all aboriginal people.

Prime Minister Paul Martin

Response to Speech from the Throne, October 5, 2004

I believe what we've done here is reached a turning point in the nature of the relationship between the Crown and First Nations.

Grand Chief Ed John

First Nations Summit Task Group Member, Prince George Citizen, June 18, 2005

turning point

The honour of the Crown requires that these rights be determined, recognized and respected. This, in turn, requires the Crown, acting honourably, to participate in processes of negotiation. While this process continues, the honour of the Crown may require it to consult, and where indicated, accommodate aboriginal interests.

Supreme Court of Canada

decision in Haida, November 18, 2004

Letter from the Chief Commissioner

The British Columbia Treaty Commission was launched on April 15, 1993 under the terms of an agreement between the Government of Canada, the Government of British Columbia and the First Nations Summit, whose members represent the majority of First Nations in British Columbia. The terms of the agreement require the Treaty Commission to submit annually to the Parliament of Canada, the Legislative Assembly of British Columbia and the First Nations Summit a report on the progress of negotiations and an evaluation of the process. Our financial information has been prepared to coincide with the release of the Annual Report 2005 and is submitted as a separate document.

First of all I would like to applaud the commissioners and staff for steering the Treaty Commission over the past year in the absence of a chief commissioner and also for their support and encouragement since I was appointed six months ago. Second, I'd like to share my experience with regard to a very significant event. I was supposed to be in Ottawa on Thursday, June 16 to meet with Indian Affairs Minister Andy Scott, but the meeting was cancelled. So, I was fortunate to be in Victoria on a very special day — the day the BC government ended 134 years of denial and finally gave recognition to aboriginal rights and title in this province.

When I heard our Premier say, at the Swearing-in Ceremony for his new Cabinet, that his government would deal with aboriginal people on the basis of recognized aboriginal rights and title, I actually started to shake with emotion. My immediate reaction was to stand and applaud. I looked around to see if anyone else had realized the significance of the Premier's statement and decided to stay in my chair, secure in the knowledge that now there would be no turning back. After the Swearing-in Ceremony I spoke briefly with Premier Campbell. I thanked him for his statement. In response he said, "...these are not hollow words, this is how we are going to proceed."

We are at a changing point. There is a new reality in this province. An old way of thinking is being laid to rest. Our priority now is to settle long outstanding aboriginal rights and title by building better relationships between First Nations and other governments through treaties. The success of treaty negotiations is dependent upon the political will and commitment of the parties. Recent actions of government and First Nation leaders suggest conditions have never been better. Political will and commitment are at their highest, which can only mean that we are on the threshold of concluding the long-awaited treaties in British Columbia.

Negotiating treaties is a daunting task. We are talking about our collective futures, not only for First Nations but all British Columbians. By proceeding carefully through treaty negotiations, First Nations leaders are ensuring a solid foundation is laid for future generations with regard to education, social development and sharing of resources.

We at the Treaty Commission are encouraging all parties to seize this opportunity. We are asking the governments of Canada and BC to work with First Nations to break through the remaining barriers to settlement. We are aware of the hard bargaining ahead; however, we are confident that the parties can work through the remaining issues to arrive at fair and just treaties.

Our focus at the Treaty Commission will continue to be: facilitating treaty negotiations, educating the general public and providing negotiation support funding to First Nations as they proceed through treaty negotiations. Communication will also be important as we draw closer to treaties, especially in those First Nations communities where each person will be asked to cast their ballot for or against a settlement.

Thank you to the Principals for their trust and confidence in me, and I look forward to another year of good relations, hard work and positive results.

Sincerely,

Steven Point
Chief Commissioner

Letter from the Chief Commissioner

Steven Point
Chief Commissioner

OVERVIEW

While important court rulings and political actions have at times overshadowed treaty negotiations this year and temporarily slowed progress, these developments are likely to have a positive impact on future progress.

Treaty negotiations have continued over the past year, but the parties are more cautious, sensing perhaps that changes are coming. The compelling reasons for treaty making remain unchanged and several First Nations are fixed on concluding agreements in the months ahead. However, a wait-and-see attitude among First Nations is becoming more noticeable in anticipation that new developments bringing new opportunities may unfold over the short- to- medium-term.

Clearly, policy changes are necessary and are being considered as a result of the Supreme Court of Canada decisions in cases involving the Haida and Taku River Tlingit.

Already the BC government has signalled its intention "to work toward a new relationship of reconciliation with First Nations across British Columbia." The Premier is committed to a "new relationship" through a series of high-level talks involving three leading aboriginal political organizations in the province — the First Nations Summit, Assembly of First Nations and Union of BC Indian Chiefs.

The Premier also took a national leadership role on aboriginal issues at the meeting of First Ministers in Calgary in August. He and the other Premiers committed to a 10-year goal of raising the standard of living for aboriginal people to equal that of non-aboriginal people. They pledged to work with the federal government to address five "key pillars," namely education, health, housing, economic development and fostering relationships with the provincial, territorial and federal governments.

Federally, changes are expected too. The federal government has concluded a Canada-wide review of policies and processes for addressing aboriginal and treaty rights. The review culminated in a policy meeting involving the Prime Minister, senior cabinet members and aboriginal leaders in May and the development of an aboriginal report card to track progress in several key areas including health, education, housing and economic opportunity. A First Minister's meeting with aboriginal leaders on aboriginal issues is planned for later this fall.

The First Nation Summit leadership, acting in response to the Supreme Court decisions in *Haida* and *Taku*, passed a resolution to work promptly and together with the Union of BC Indian Chiefs (UBCIC) to develop a plan to ensure the implementation of these and other court decisions.

Then, on March 17 an historic leadership accord brought together the Summit, UBCIC and the BC Assembly of First Nations. Among the commitments they made was an agreement "to engage with the provincial and federal governments regarding implementation of the Crown's honourable duty to consult with and accommodate First Nations aboriginal title, rights and interests."

The Summit membership agreed at its assembly in June to support further development and implementation of the document *The New Relationship, Vision and Principles* that was produced in high-level talks with senior provincial officials in the spring.

While political talks are proceeding, it is likely that court rulings will continue to further clarify the nature and extent of aboriginal rights. In the Supreme Court decision in *Haida*, the jurists said, "Our task is the modest one of establishing a general framework for the duty to consult and accommodate, where indicated, before aboriginal title or rights have been decided. As this framework is applied, courts, in the age-old tradition of the common law, will be called on to fill in the details of the duty to consult and accommodate."

First Nations have reportedly launched as many as 34 new cases.

Changing Point

These are the major developments the Treaty Commission has had to consider in assessing the current status of treaty negotiations.

Having made that assessment, we are of the view that we are at the changing point — that unmistakable day when a new reality has arisen and an old way of thinking has been put to rest.

These significant developments signal that, today, reconciliation has a meaning closer to the long-held First Nation view of an ongoing multi-faceted relationship than the federal and provincial view of reconciliation as the full and final settlement of outstanding aboriginal rights in a treaty. Finality is no longer an option and perhaps was never a viable idea.

For the Treaty Commission, these recent developments confirm that the negotiation efforts of the past 12 years have been productive time. In large part, it is through the sustained efforts of First Nations that we have come to the changing point. In retrospect this is a short time to have come so far.

BC Premier Signals Change

The new relationship being discussed by the BC government and First Nation leaders envisions a future that offers aboriginal people a say in decision-making and a share in the benefits of prosperity. The details have yet to become clear, but revenue sharing and cooperative management will be elements of the new relationship.

The Premier said at the Swearing-in Ceremony for the new BC Cabinet in June, "...we will forge new relations with First Nations, founded on reconciliation, recognition and respect for aboriginal rights and title." He has created a stand-alone Ministry of Aboriginal Relations and Reconciliation with its minister to "lead a cross-government effort to advance this priority." First Nations are insisting the BC government take action on the draft document setting out changes to the new relationship between them. Creation of the document *The New Relationship, Vision and Principles* has been called "the most important new policy initiative this year." Its 10-point action plan includes funding for First Nation participation in the development of a new relationship, a joint management committee of senior officials and a joint working group to review forest and range agreements.

Shawn Atleo, regional chief of the Assembly of First Nations, called the accord the brightest news in years. "We are definitely at a turning point in our relationship with the rest of society."

In the Speech from the Throne on September 12, the BC government said, "The new relationship must be based on mutual respect and recognition of Aboriginal Canadians' constitutional rights."

Prime Minister Directs Policy Review

A federal background paper prepared in advance of their negotiations sectoral roundtable held in January 2005 provides an insight into the Indian Affairs department's views on the major achievements and challenges in addressing aboriginal and treaty rights.

The backgrounder notes that pressure is mounting for treaty models based upon recognition and coexistence of rights rather than the surrender or final settlement of aboriginal rights.

The authors cite as a major challenge the renewal of policy approaches for addressing aboriginal and treaty rights and the expediting of agreements in the face of a lack of understanding of the nature of these rights and fluctuating support for negotiation processes.

The authors note that the special historical and constitutional status of aboriginal peoples is not well understood. There is a perception that claims processes and self government are based on giving a particular ethnic or racial group new special rights that are not enjoyed by other segments of the Canadian population, as opposed to achieving reconciliation of existing constitutional rights based on First Nations' prior possession of the land. The needed response the authors suggest is strong leadership and a plan for public education.

Leadership Council Unites BC First Nations

A major development has been the creation of the First Nations Leadership Council, comprising the political executives of the First Nations Summit, Union of BC Indian Chiefs and the BC Assembly of First Nations, to represent the interests of all First Nations in the province.

The council, in a rare show of solidarity among First Nation political organizations, is working collectively to develop strategies and action plans to bring about significant and substantive changes to government policy that will benefit all First Nations in British Columbia.

Supreme Court Underlines Need For Reconciliation

The duty to consult and, if appropriate, accommodate First Nations arises from the need to deal with aboriginal rights in the interim until the rights have been dealt with through a treaty or decision of the court.

The Supreme Court said the honour of the Crown requires that aboriginal rights be determined, recognized and respected. This, in turn, requires the Crown, acting honourably, to participate in processes of negotiations. The court said the government must negotiate in good faith and avoid even the appearance of sharp dealing.

"Honourable negotiation implies a duty to consult with aboriginal claimants and conclude an honourable agreement reflecting the claimants' inherent rights."

There is a legal obligation, too, on the part of First Nations — good faith on both sides is required. This means that First Nations must not frustrate the Crown's reasonable good faith attempts; or take unreasonable positions to thwart government from acting after meaningful consultation has occurred, even where agreement has not been reached.

The ruling notes consultation and accommodation before final claims resolution, while challenging, is not impossible, and indeed is an essential corollary to the honourable process of reconciliation s.35 demands. The ruling says consultation and accommodation preserve the aboriginal interest pending claims resolution and foster a relationship between the parties that makes possible negotiations, the preferred process for achieving ultimate reconciliation.

Forest and range agreements were the BC government's attempt to meet its obligations arising from its court ordered duty to consult and accommodate First Nations where it may be infringing existing aboriginal rights. The government's per capita formula, created it says to bring consistency to the negotiation process, formed the basis of agreements entered in to by 93 bands as of July 2005.

A recent court ruling in the BC Supreme Court calls into question the per capita formula being used by the BC government in accommodation agreements. The court ruling says consultation and accommodation should more clearly reflect the particular situation of the First Nation. The BC government is appealing the decision.

The BC government, working in concert with the First Nations Leadership Council, has agreed to review these agreements.

Several First Nations, including the Musqueam Nation, have been successful in court in pressing for consultation and accommodation of their interests by other governments. Musqueam has won three cases involving the disposal of Crown land within their traditional territory: the federal transfer of the "Garden City" lands in Richmond, the transfer of golf course lands to UBC and the River Rock Casino development.

While First Nations can claim victory in several recent court cases on the west coast, reviews are mixed on the impact of the first significant test of aboriginal title by the Supreme Court this summer in the *Marshall* and *Bernard* decision on the east coast.

In rejecting the aboriginal title claim, the jurists underscored the high threshold required for proving aboriginal title, and the ability of the Crown to infringe aboriginal title for the good of society.

UBCIC President Stewart Phillip, one of several First Nation leaders to comment on the decision, said BC native communities are still prepared to take their cases to court and are confident they can and will meet the legal standard set out in the *Marshall* and *Bernard* decision.

Our Conclusions

The willingness to achieve a new relationship between First Nations and the Crown is reminiscent of the leadership and commitment that was shown when the treaty process was launched with much fanfare in 1992.

Now, once again, we have the Prime Minister and the Premier saying they are resolutely behind a process of reconciliation that includes treaty making as a central element. Political will, and the necessary commitment that springs from it, should create better conditions for negotiations and encourage the parties to seize new opportunities. First Nations leaders and the governments of Canada and BC have seized these opportunities and are having some success in exploring issues through high-level talks. Of course, at the end of the day, the parties will be judged on their actions at the treaty table.

Having said that, the Treaty Commission believes the prospects for agreements in the years ahead should be much better. The preparedness, generally, of the parties to enter into treaties is improving and the issues are better understood. Under these conditions, there are First Nations that are moving forward relatively quickly

now towards treaty agreements. Consequently, we expect some major breakthroughs in treaty negotiations in the coming months. One or more First Nations may finally achieve the agreement they have been seeking since entering the treaty process 12 years ago.

Negotiations are continuing for the three First Nations closest to a treaty, and hope remains that agreements are possible over the coming year. Negotiators for the Lheidli T'enneh Band and Sliammon Indian Band have been negotiating common issues with the governments of Canada and BC at various times throughout the past year.

The Maa-nulth First Nation negotiations are progressing, but suffered a major setback with the death earlier this year of chief negotiator George Watts, long a driving force in First Nations and Nuu-chah-nulth politics. Watts played a key leadership role in the BC treaty process since its inception in 1991, both in the Summit and at the Maa-nulth and Nuu-chah-nulth negotiation tables.

Negotiations to conclude a final agreement at the Tsawwassen First Nation table had stalled earlier this year. The parties are now working toward re-engaging later this fall.

Yekooche Nation members overwhelmingly accepted an agreement in principle, which was formalized by the parties at a ceremony in August. A number of other First Nations expect to conclude agreements in principle in the next six to 18 months, but their progress is closely linked to developments in high-level talks and in negotiations involving First Nations seeking final agreements.

Sectoral agreements may be a possibility too. The Treaty Commission has for many years been a proponent of sectoral agreements, and sees them as an important part of treaty making, for example, on education, on fishing and on taxation issues. The First Nations Education Steering Committee (FNESC), which provides a voice for First Nations in education matters, has for the past 10 years been working on defining First Nation jurisdiction over education. This work has reached the point where we may soon see an accord on education signed between FNESC and the governments of Canada and British Columbia. A considerable amount of work has been done on fish and tax, but it will be no small matter to reach an agreement that will satisfy all parties, including a majority of First Nations. There is also progress through child and family services agreements and in the health sector. These efforts may be bolstered by expected changes to federal and provincial policy.

Still, for many First Nations, interim solutions will be of topmost importance. The burden is heavier now on the governments of Canada and BC and First Nations to reach an accommodation, an interim one, as well as a lasting one.

Creators of the treaty process anticipated interim agreements would be needed because treaty negotiations would take time. These agreements were supposed to balance and protect interests until they were dealt with in treaty negotiations. The reality is that significant interim measures agreements were the exception rather than the rule. Much of the interim accommodation we see today has come about as the result of court action, not protections or considerations borne of treaty making.

The federal and provincial governments will have to change their plans or policies — indeed already have begun to — in order to accommodate aboriginal concerns if consultation shows this to be required. This may further assist the treaty process by providing additional tools to overcome obstacles in treaty negotiations and to address the need for interim measures.

When First Nations are frustrated in negotiations they turn to the courts for recognition of their rights or to protect their rights as negotiations continue. When negotiations come to an impasse, there is no effective process outside the courts to resolve the dispute.

Consequently, the courts have found themselves becoming bigger players in protecting aboriginal interests and have indicated they are prepared to play a greater role in overseeing negotiations. This has potential implications for the parties in the event negotiations break down.

The federal and provincial governments will have to revisit policies that often result in a halt to treaty negotiations when a First Nation takes court action. The Treaty Commission sees the court rulings in *Haida* and *Taku* as reinforcing the need for treaty negotiations to be part of the process of reconciliation. There must be clarity on the link between short-term accommodation agreements and treaty making.

There is good reason for our assessment. A treaty remains the most effective way to build intergovernmental relationships with the governments of Canada and BC. A treaty can provide the impetus for similar arrangements with local and regional governments.

The legal and territorial scope of First Nation jurisdiction and the governance and financial infrastructure will be set out in a treaty and its related agreements, not in consultation and accommodation agreements or through the *Indian Act*.

Recent Supreme Court rulings suggest there is a strong case to be made for entering the treaty process. First Nations in the treaty process may enjoy a deeper level of consultation and a more substantial accommodation. Agreements reached through consultation and accommodation are bringing benefits to First Nations in addition to what can be achieved through a treaty. With more avenues opening up for First Nations to achieve their objectives, treaties, and ultimately reconciliation, may prove easier to achieve.

New federal and provincial measures that recognize aboriginal rights and provide benefits may take some pressure off the negotiators and ease the transition to self government.

Debate will continue in the short term over the best course of action for a First Nation. Some will wait and see what happens in treaty negotiations later this year as the parties in advanced negotiations pursue solutions to self government, tax, financial and fish issues, which have proven especially difficult.

Many First Nations believe it is only a matter of time before there is acceptance of constitutionally protected self government for aboriginal people. Other First Nations will continue to assert their title and make interim arrangements where possible.

But as our progress report reveals, most First Nations in the treaty process remain focused on negotiating a comprehensive treaty that addresses self government and land, sea and resource issues. We haven't got all of the pieces, yet. In the meantime the Treaty Commission will focus on facilitation so that we can achieve fair and honourable agreements, and on public information so that people will understand the agreements being negotiated.

As we move forward, the Treaty Commission will remain mindful of its duty to hold the parties accountable for their words and actions and ensure the parties honour their fundamental commitments to treaty making.

THE NEW RELATIONSHIP

Letter from Minister of Aboriginal Relations and Reconciliation Tom Christensen

Together with our First Nations partners, the Province is leading change that has the potential to positively reshape B.C.'s social and economic landscape.

We have been working closely with leaders from the First Nations Summit, the Union of B.C. Indian Chiefs and the B.C. Assembly of First Nations to develop a new relationship with Aboriginal people in B.C. Our collective efforts have resulted in a vision statement setting out cooperative approaches for moving forward.

This statement includes the strategic vision the Province has laid before British Columbians:

1. To make B.C. the best educated, most literate jurisdiction on the continent;
2. To lead the way in North America in healthy living and physical fitness;
3. To build the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors;
4. To lead the world in sustainable environmental management, with the best air and water quality and the best fisheries management, bar none; and
5. To create more jobs per capita than anywhere else in Canada.

These goals are consistent with the shared vision of the new relationship to restore, revitalize and strengthen First Nations' communities.

We are resolute in our commitment to the pursuit of treaties and lasting agreements. The new relationship effort is designed to complement the existing treaty process and contribute to certainty of access and use of B.C.'s lands and resources.

First agreement negotiations continue with the Lheit-Lit'en, Skaw-kaw, Tsawwassen and Maa-nulth First Nations, we signed a framework agreement with the Musqueam First Nation and most recently concluded an Agreement in Principle (AIP) with the Yekooche First Nation. Over the next 12 months, we look forward to continuing this effort with our B.C. Treaty Commission partners, Canada and First Nations by moving ahead on AIPs with other communities.

These successes remind us why we do this difficult work – why, despite the challenges along the way, we must continue to come back to the negotiating table and build a new relationship that will lead to a more inclusive and prosperous future for all British Columbians.

Sincerely,

Honourable Tom Christensen
Minister of Aboriginal Relations & Reconciliation

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Sincerely,

Minister of Aboriginal Relations & Reconciliation

Letter from the First Nations Summit Task Group

The First Nations Summit is pleased to have entered into an historic Leadership Accord with the Union of BC Indian Chiefs and BC Assembly of First Nations whereby we commit to work together to improve the lives of First Nations people on issues common to us all, including the advancement of the recognition, reconciliation and accommodation of Aboriginal title and rights.

As an early first step in this important effort, this Leadership Council developed a five-page document jointly with the Province of B.C. setting out a vision for a new government-to-government relationship based on respect, recognition and accommodation of Aboriginal title and rights. Through this relationship, we commit to reconciliation of Aboriginal and Crown titles and jurisdictions.

The *New Relationship* document anticipates new processes and structures for shared decision making about land and resources and working together to achieve strong governments, social justice and economic self-sufficiency for First Nations which will be of benefit to all British Columbians.

We believe that the *New Relationship* between BC and First Nations will signal a move from a period of denial to a period of recognition and reconciliation. It will benefit all British Columbians by decreasing legal and policy conflict between First Nations and the provincial government. We believe that the *New Relationship* will also complement and reinforce the treaty negotiation process.

The First Nations Summit will continue to provide support to First Nations at treaty negotiation tables while working closely with the Leadership Council on the next steps for the New Relationship, including engagement with the federal government and third parties.

The *New Relationship* is a positive step in our continuing efforts to advance Aboriginal title and rights and reconciliation with the Crown. The First Nations Summit is prepared to fully support this initiative because it believes it will benefit First Nations people and all British Columbians.

Grand Chief Doug Kelly
First Nations Summit

Grand Chief Edward John
First Nations Summit

Dave Porter
First Nations Summit

The New Relationship

I. Statement of Vision

We are all here to stay. We agree to a new government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights. Our shared vision includes respect for our respective laws and responsibilities. Through this new relationship, we commit to reconciliation of Aboriginal and Crown titles and jurisdictions.

We agree to establish processes and institutions for shared decision-making about the land and resources and for revenue and benefit sharing, recognizing, as has been determined in court decisions, that the right to aboriginal title "in its full form", including the inherent right for the community to make decisions as to the use of the land and therefore the right to have a political structure for making those decisions, is constitutionally guaranteed by Section 35. These inherent rights flow from First Nations' historical and sacred relationship with their territories.

The historical Aboriginal-Crown relationship in British Columbia has given rise to the present socio-economic disparity between First Nations and other British Columbians. We agree to work together in this new relationship to achieve strong governments, social justice and economic self-sufficiency for First Nations, which will be of benefit to all British Columbians and will lead to long-term economic viability.

II. Goals

Our shared vision includes a celebration of our diversity, and an appreciation of what we have in common. We recognize the vision of First Nations to achieve the following goals:

1. To restore, revitalize and strengthen First Nations and their communities and families to eliminate the gap in standards of living with other British Columbians, and substantially improve the circumstances of First Nations people in areas which include: education, children and families, and health, including restoration of habitats to achieve access to traditional foods and medicines;

2. To achieve First Nations self-determination through the exercise of their aboriginal title including realizing the economic component of aboriginal title, and exercising their jurisdiction over the use of the land and resources through their own structures;

3. To ensure that lands and resources are managed in accordance with First Nations laws, knowledge and values and that resource development is carried out in a sustainable manner including the primary responsibility of preserving healthy lands, resources and ecosystems for present and future generations; and

4. To revitalize and preserve First Nations cultures and languages and restore literacy and fluency in First Nation languages to ensure that no First Nation language becomes extinct.

The strategic vision of the Province for British Columbians is:

1. To make B.C. the best educated, most literate jurisdiction on the continent;

2. To lead the way in North America in healthy living and physical fitness;

3. To build the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors;

4. To lead the world in sustainable environmental management, with the best air and water quality, and the best fisheries management, bar none; and

5. To create more jobs per capita than anywhere else in Canada.

This vision can only be achieved if First Nations citizens attain these goals. To achieve these strategic goals, we recognize that we must achieve First Nations economic self-sufficiency and make First Nations a strong economic partner in the province and the country through sustainable land and resource development, through shared decision-making and shared benefits that support First Nations as distinct and healthy communities. All British Columbians will benefit from a richer understanding of First Nations culture and from economic, political and cultural partnerships with First Nations. We therefore agree to the following principles and action plan.

III. Principles to Guide the New Relationship

We will mutually develop processes and implement new institutions and structures to achieve the following:

> integrated intergovernmental structures and policies to promote co-operation, including practical and workable arrangements for land and resource decision-making and sustainable development;

> efficiencies in decision-making and institutional change;

> recognition of the need to preserve each First Nations' decision-making authority;

> financial capacity for First Nations and resourcing for the Province to develop new frameworks for shared land and resource decision-making and to engage in negotiations;

> mutually acceptable arrangements for sharing benefits, including resource revenue sharing; and

> dispute resolution processes which are mutually determined for resolving conflicts rather than adversarial approaches to resolving conflicts.

This vision statement to establish a new relationship has been written as a measure of good faith by the parties to put into words our commitment to work together to explore these concepts and develop their full meaning.

IV. Action Plans

We agree to work together to manage change and take action on the following:

1. Develop new institutions or structures to negotiate Government-to-Government Agreements for shared decision-making regarding land use planning, management, tenuring and resource revenue and benefit sharing;

2. Identify institutional, legislative and policy changes to implement this vision and these action items;

3. Develop additional protocols or accords to further the implementation of the vision, as required from time to time;

4. Identify processes to ratify agreements;

5. Establish funding and distribution structures/ institutions to support First Nations' capacity development and effective participation in the processes established through these action items;

6. Establish effective procedures for consultation and accommodation;

7. Appoint a joint working group to review Forest and Range Agreements and make recommendations to the parties on options for amending those agreements, in order to make them consistent with the Vision and Principles above;

8. Identify and develop new mechanisms on a priority basis for land and resource protection, including interim agreements;

9. Develop impartial dispute resolution processes and work towards a decrease in conflicts leading to litigation; and

10. Create an evaluation process for monitoring and measuring the achievement of this vision and these action items.

V. Management Committee and Working Groups

The parties will establish a joint management committee of senior officials to:

> develop terms of reference, priorities, and timelines for the management committee and the working groups by May 31, 2005;

> identify current issues of substantial concern, and consider short and long term steps the parties could take to facilitate their resolution;

> jointly develop policy frameworks;

> establish joint working groups and provide direction, timelines and co-ordination to further the implementation of the action items;

> identify and allocate financial and technical resources for the work of the management committee and the working groups;

> make recommendations to the parties to address problems as they arise in the implementation of the vision; and

> engage the Government of Canada.

Letter from Minister of Indian and Northern Affairs Andy Scott

The business community in British Columbia recognizes the increasing strength and influence of First Nations in matters relating to economic development. First Nations are forming strong alliances with the business sector. Joint ventures and partnerships are springing up across the province, generating wealth and benefiting local and regional economies.

The expanding role of First Nations in the overall economic and business development of the province owes a great deal to the BC treaty process. Widely recognized as one of the most complex policy initiatives in Canadian history, the tripartite treaty process has been a positive stimulus for change.

The fact that the First Nations Summit and the governments of Canada and British Columbia created the treaty process together signalled a strong political will to deal with long-standing issues. Over the years and through negotiation, we have achieved an era of constructive engagement and relationship building with tangible benefits for all levels of government, First Nations and third parties.

The treaty process has been fortified over the past few years. Now, First Nations can begin to experience some direct benefits before a treaty is signed. Under the treaty process, priorities such as strengthening organizational capacities are made possible through resources allocated by treaty-related mechanisms.

Most importantly, treaty negotiations have produced five agreements-in-principle since 2003 setting the stage for treaties and self-government agreements within the next few years. Several other First Nation groups are also making headway to conclude agreements-in-principle within the coming months.

The impetus for change is also reflected on the national stage where recent developments are transforming the relationship between governments and First Nations. The Canada-Aboriginal Peoples Roundtable created by Prime Minister Paul Martin in April 2004 was an unprecedented gathering of Ministers, Parliamentarians and Aboriginal leaders to discuss new ideas for building stronger, healthier and economically self-reliant Aboriginal peoples and communities.

Much of the drive for the Roundtable, which culminated in a high level policy meeting in May, came from First Nations themselves based on their priorities. This work will be further advanced at the First Ministers' Meeting to be held in fall 2005.

The significance of the Roundtable process and the First Ministers' Meeting is the recognition of the need for shared solutions and strong partnerships to improve Aboriginal socio-economic outcomes.

Progress in treaty negotiations in BC has closely mirrored the increasing desire to close the socio-economic gap between First Nations and other people living in Canada and to correct the inequities that have existed for far too long.

Treaties represent a fundamental change in the legal, political and fiscal relationship between the federal and provincial governments and First Nations. With greater decision-making powers and increased assets, they may take their rightful place as full partners in the future development of the province.

Reconciling our interests through treaties will greatly assist in unlocking the economic potential in this province, benefiting all Canadians and particularly British Columbians.

Andy Scott
Minister of Indian and Northern Affairs

Letter from Minister of Indian and Northern Affairs Andy Scott

Andy Scott

LAND USE IN A POST-TREATY WORLD

Treaty making casts a spotlight on building relationships and the importance of land use and community planning for creating the conditions for reconciliation.

How the various levels of government relate to one another in land use and community planning and coordinate their actions will determine if the new relationship being sought through treaties will be realized on a sustainable basis.

Land Use Planning

Views about land use planning in BC have been shaped primarily by our role as hewers of wood and drawers of water. Increasing conflict among forest users and forest preservationists made a management regime essential.

In January 1992 the BC government established the Commission on Resources and Environment to bring stability to the so-called working forest and to protect the province's environmental heritage.

That land use process led to the development of land and resource management plans (LRMPs) beginning in 1995. In many parts of the province the LRMP initiative preceded treaty making and in most cases did not involve First Nations. Although these plans were developed without prejudice to aboriginal rights and title, most First Nations chose not to participate in these stakeholder processes, preferring government-to-government negotiations on land issues.

In recent years First Nations have come together to resolve land issues among themselves and to negotiate land and resource issues directly with the BC government. Of note is the Turning Point Initiative on the north and central coasts, and the Northern Nation Alliance effort in the far north.

Through treaty making and these other initiatives, First Nations are insisting on a greater say in land management, in part out of economic necessity but also to maintain their close cultural connection to the land and ensure its protection.

Development can have a huge impact on First Nations. A priority for northern First Nations, following a Northern Nations Alliance workshop on planning earlier this year, is building community support for regional land use planning and resource management.

Among the many challenges facing First Nations undertaking land use planning is the need to engage community members and to obtain technical expertise and funding. First Nations are insisting traditional knowledge be recognized as a legitimate source of information and maintained as a separate data layer in land use planning discussions.

Among First Nations there is recognition of the need to breathe life into their rights and title by developing a land use plan for their territory. Land use plans are seen as an essential tool for setting out the First Nation's vision for land and resources and reflecting the priorities and values of its people.

Potential partners in land use planning and resource management include federal and provincial government agencies, business and conservation groups.

Regional alliances, given the example of coastal First Nations and now northern First Nations, are seen as desirable in influencing land use decisions. Experience suggests that breakthroughs can occur when First Nations develop a clear set of common principles to guide land use plans, negotiate bilateral agreements with other parties and stand united on key issues.

There is also a need for First Nations to address outstanding issues regarding shared territory, often referred to as overlaps, to prevent future problems in negotiations with the governments of Canada and BC. Land use plans can be an important tool in reconciling territorial issues among First Nations.

The Treaty Commission views land use planning as an important stepping-stone to treaty negotiations. A planning workshop earlier this year, hosted by the Northern Nations Alliance and supported by the Treaty Commission, laid the groundwork for land use planning and resource management among northern nations and charted a course that other First Nations can follow.

Michael Svoboda, lands and resources manager for the Taku River Tlingit First Nation, speaking at the workshop, said a land use plan that is strategic:

> Describes land and resources of the territory;
> Identifies land use issues, challenges and opportunities that are of concern to the community, and that need to be addressed;
> Articulates a vision for the future of where First Nations people want to go with their land and resources;
> Summarizes community priorities for protection and development of resources; and
> Provides direction for what activities are acceptable, where activities should occur and where they should not be carried out.

Land use planning is a key tool to articulate a vision for the future, with the potential for increased certainty for First Nations and for those with an interest in land within a First Nation's territory.

Land use planning is seen as essential to direct treaty negotiations on lands, forest, wildlife, water, sub-surface and other resources.

Through bilateral and tripartite planning initiatives, the parties can achieve land use plans that address the majority of their needs and that provide a basis for a new relationship.

Reconciling existing land and resource management plans with First Nation land use plans remains to be addressed. Where land and resource management plans are not in place, there is an opportunity now for the BC government and First Nations to develop land use plans together.

Community Planning

Attitudes and land use practices can bring communities together or tear them apart. Where two or more communities are in close proximity, community planning is essential and will contribute to the new relationship being sought through treaties.

First Nations must contend with the larger land use planning issues in their traditional territory, but also the planning issues in their communities.

Development in non-aboriginal communities can have a huge impact on First Nation communities and, similarly, development by a First Nation can have a huge impact on its neighbours.

Transparent community planning processes can create better conditions for treaty negotiations and contribute to better intergovernmental relations.

The *Local Government Act* requires municipal governments to prepare an Official Community Plan. The process provides for citizen engagement and results in a comprehensive plan that has community support.

Indian and Northern Affairs Canada requires First Nations administered under the *Indian Act* to submit a five-year physical development and capital plan to secure community funding, but it does not provide a platform for launching a comprehensive community plan.

One potential new opportunity is the "New Deal for Cities and Communities" that will require, as a condition of the gas tax agreements with provinces, municipalities and First Nations, the development of "community sustainability plans." From the fund $65 million is available to First Nation communities for sewer, water and other infrastructure.

Community support would assist a First Nation in planning, but also in building relationships, including intergovernmental relationships, and preparing for and participating in treaty negotiations.

Atlin-based Taku River Tlingit First Nation, in preparing its five-year plan, chose to develop sustainable development principles through a community consultation process that resulted in a shared vision for the First Nation's future. During the planning process, the meaning and definition of sustainability for the Taku River Tlingit became more apparent. Culture, environment, economy and capacity were all identified as integral components of sustainability. In setting out their strengths and weaknesses, threats and opportunities, the Taku River Tlingit cited not working with their neighbour Atlin as a weakness and working more closely together as an opportunity to help them reach their goals.

Finlay Sinclair, special projects and communications manager for the Regional District of Fraser-Fort George, speaking at a leaders' forum co-sponsored by the Treaty Commission in 2004, said, "Sustainability is a word that is thrown around all of the time, such as community sustainability and economic sustainability. Politically, the Lheidli T'enneh, the regional district and the City of Prince George define sustainability as a commitment to a common goal.

"Community integration, I don't believe is a political issue: if we work together and are committed to the principles, goals and objectives of the treaty process and local government relationships, community integration will happen based on people."

The situation in Osoyoos provides evidence of the benefit of working together. According to Mayor John Slater, the Osoyoos Indian Band and the town of Osoyoos are both enjoying significant growth and development, including residential, agricultural and commercial.

The relationships reach far beyond cooperation between governing bodies and include the various groups, organizations and businesses that interact with each other on a regular basis. Their pursuit of many common interests, be it environmental protection and enhancement, economic development opportunities and tourism and marketing initiatives, bring about an understanding that transcends municipal, cultural or social boundaries.

Alison McNeil, senior policy analyst, Union of BC Municipalities says First Nations are doing more development and planning on their reserve lands. "There is a whole new wave of servicing agreements that will be required at a new level of sophistication and a new level of cooperation.

"I think there is a need for First Nations and local governments to sit in the same room and negotiate and discuss how they will support communities, over the long term, and to learn more about each other than just negotiating the contract."

Fifteen years ago, Westbank First Nation (WFN) negotiated a service agreement with the regional district. At the time, according to WFN Negotiator Tim Raybould, the First Nation didn't have any infrastructure such as a water system, or the institutions for self government such as a public works office, land office, a planner or an engineer.

The First Nation purchased sewer services from the regional district and fire protection from the local fire improvement district and began to establish a government office for providing local services within the community.

Raybould said, "We have seen a lot of economic development at Westbank and incredible growth in the last 15 years, which has been the reason for the impetus to take control of the community and to put the proper tools in place for self government.

"The fiscal institutions and the finance authority will be involved and this is where the need to work together with other First Nations and other communities is realized in order to be sustainable. Even successful communities and larger communities realize the need to work with other communities in order to further community growth."

Treaties will bring significant changes to current land management practices, governance authorities and the economic make-up of First Nations communities and regions.

To help prepare First Nations and their neighbouring local and regional governments for this new reality, the Treaty Commission has initiated a pilot project on intergovernmental community planning among Sliammon First Nation, the Corporation of the District of Powell River and the Powell River Regional District.

The four-phase project comprises development of a Sliammon community plan, comparison of Sliammon and local/regional plans, amendment of plans and implementation and monitoring.

The project partners will compile a list of intergovernmental interests and shared responsibilities and present their recommendations in a best practices guidebook for use by other First Nations and their neighbouring governments.

The Real Estate Foundation of BC is providing a grant of $25,000 for the pilot project and additional support is anticipated from the project partners. The Treaty Commission and Sliammon First Nation will provide administrative and in-kind support for the project. The project builds on the groundwork carried out by Sliammon First Nation, the city and regional district.

Sliammon First Nation has protocol agreements with both the city and the regional district that commit all three governments to working cooperatively in economic development and culture and heritage protection in the region.

More importantly, the project partners have worked hard to develop a positive working relationship and expressed a strong desire to coordinate service provisions and administration in a post-treaty world.

The Treaty Commission hopes its efforts in raising awareness of the need for comprehensive planning and in supporting the Sliammon pilot project will be a catalyst for many more projects across the province.

Where a year ago there wasn't much talk about intergovernmental community planning, the opposite is true this fall. Initiatives include: a Lower Mainland roundtable on First Nation-local government relations this fall; the Prime Minister's external advisory committee on cities and communities in September; a UBCM convention session on First Nations and municipalities in September and a provincial forum in spring, 2006 an Indian Affairs-sponsored national conference on First Nation, comprehensive community planning in early October, and an Indian Affairs-sponsored workshop on First Nation community planning in BC in November; and the Public Works Canada conference on service without borders in late November.

PROGRESS REPORTS

There are 57 First Nations participating in the BC treaty process at 46 negotiation tables:

6 First Nations in Stage 5

Lheidli T'enneh Band
Maa-nulth First Nations
Sechelt Indian Band
Sliammon Indian Band
Tsawwassen First Nation
Yekooche Nation

41 First Nations in Stage 4

Carcross/Tagish First Nation
Cariboo Tribal Council
Carrier Sekani Tribal Council
Champagne and Aishihik First Nations
Da'naxda'xw Awaetlatla Nation
Ditidaht First Nation
Esketemc First Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs
Gwa'Sala-'Nakwaxda'xw Nation
Haisla Nation
Heiltsuk Nation
Homalco Indian Band
Hul'qumi'num Treaty Group
In-SHUCK-ch Nation
Kaska Dena Council
Katzie Indian Band
Klahoose Indian Band
Ktunaxa/Kinbasket Treaty Council
Kwakiutl Nation (in suspension)
Laich-Kwil-Tach K'omoks Council of Chiefs
Lake Babine Nation
Musqueam Nation
'Namgis Nation
Nazko Indian Band
Nuu-chah-nulth Tribal Council
Oweekeno Nation
Pacheedaht Band
Quatsino First Nation
Snuneymuxw First Nation
Sto:Lo Nation
Taku River Tlingit First Nation
Te'Mexw Treaty Association
Teslin Tlingit Council
Tlatlasikwala Nation
Tsay Keh Dene Band
Tsimshian First Nations
Tsleil-Waututh Nation
Westbank First Nation
Wet'suwet'en Nation
Yale First Nation

2 First Nations in Stage 3

Cheslatta Carrier Nation
Squamish Nation

8 First Nations in Stage 2

Acho Dene Koe First Nation
Allied Tribes of Lax Kw'alaams
Council of the Haida Nation
Hupacasath First Nation
Liard First Nation
McLeod Lake Indian Band
Ross River Dena Council
Tlowitsis Nation

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Heiltsuk Nation
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* maps are representational only and not to scale

Acho Dene Koe First Nation

Allied Tribes of Lax Kw'alaams

Cariboo Tribal Council (NStQ)

Carrier Sekani Tribal Council (CSTC)

Acho Dene Koe First Nation

Acho Dene Koe entered the treaty process in November 2000, and is now in Stage 2 of the six-stage process, preparing to begin negotiations. The Treaty Commission is awaiting a response from the BC government, which is assessing its position regarding transboundary negotiations with the Acho Dene Koe. The First Nation has approximately 550 members and is located in Fort Liard, Northwest Territories, which is 25km north of the BC-Northwest Territories border. Acho Dene Koe has traditional territory on both sides of the border.

Allied Tribes of Lax Kw'alaams

On June 1, 2005 the Treaty Commission received a Statement of Intent from the Allied Tribes of Lax Kw'alaams. On July 14, 2005 the parties completed their 45-day meeting and are now working on completing their Stage 2 Readiness requirements, which the table expects to complete in 4-6 months.

The Allied Tribes of Lax Kw'alaams were formerly part of the Tsimshian Nation, and separated in the spring of 2004. Located northwest of Prince Rupert, the Allied Tribes of Lax Kw'alaams has a population of approximately 2,800.

Cariboo Tribal Council (NStQ)

Negotiations at the NStQ table have progressed steadily over the past year. Since the public release of the culture and heritage chapter and several "procedural" chapters last year, the lands and governance draft chapters were brought to substantial completion. Negotiations on resource topics, including forestry, wildlife, fish and water, as well as fiscal relations are scheduled to continue over the next few months.

The NStQ First Nations are especially concerned about their role in managing lands and resources throughout their traditional territory, and the parties continue to explore how these interests may be addressed.

NStQ member nations have carried out a significant amount of internal work on developing governance models, including the establishment of an elders council, and identifying possible treaty settlement lands.

Community consultation on these and other key topics will continue and intensify. NStQ comprises four communities located around the Williams Lake area: Williams Lake Band, Soda Creek Band (Xatsu'll First Nation), Canoe Creek Band and Canim Lake Band (Tsqescen). The First Nations have a combined membership of approximately 1,940.

Carrier Sekani Tribal Council

In the fall of 2004 the CSTC, BC and Canada agreed that before continuing negotiations, the parties required a common understanding on certainty, lands and resources, governance and revenue sharing. The parties exchanged interest papers on the topics, and agreed to express their common understanding in topic chapter outlines. The Treaty Commission assisted the table in compiling these outlines and completed the document in February 2005. The table is currently not engaged in active treaty negotiations and CSTC is awaiting appointment of a chief negotiator by BC. Discussions on forestry issues with BC are continuing away from the treaty table.

Carrier Sekani Tribal Council, northwest of Prince George, represents eight communities: Wet'suwet'en First Nation, Burns Lake Band, Nadleh Whut'en Band, Nak'azdli Band, Saik'uz (Stoney Creek) First Nation, Stellat'en First Nation, Takla Lake First Nation and Tl'azt'en Nation. The combined membership of the council is approximately 5,400.

Cheslatta Carrier Nation

Council of the Haida Nation

Ditidaht First Nation/ Pacheedaht Band

Cheslatta Carrier Nation

The parties at the Cheslatta table have not engaged in tripartite negotiations since 1997 and the table remains inactive.

A First Nation with approximately 270 members, Cheslatta traditionally occupied and used the land and water around the Ootsa and Eutsuk lakes and surrounding areas.

Council of the Haida Nation

The Supreme Court of Canada made its final ruling in the *Haida* TFL 39 case on November 18, 2004, clarifying that the Crown (and not third parties) are under a legally enforceable duty to consult with the Haida and possibly to accommodate Haida interests in their traditional territory.

The Council of the Haida Nation continues to pursue its aboriginal title case over the whole of Haida Gwaii (Queen Charlotte Islands).

Since the Supreme Court of Canada rulings, the Council of the Haida Nation and BC government have been in negotiations on an agreement to implement the key aspects of the case, including land protection, revenue sharing and the Haida's role in land use planning. Prior to this the parties were exploring whether or not there is basis for engaging in tripartite treaty negotiations, and will likely continue these discussions as these other events unfold.

In April 2001, the Council of the Haida Nation joined seven other coastal First Nations in signing the Turning Point Protocol Agreement, which commits First Nations and the provincial government to cooperate on land use planning and implementation of interim agreements for the north and central coast. Interim agreements developed from the protocol may include training programs, economic development projects, forestry joint ventures and tourism initiatives.

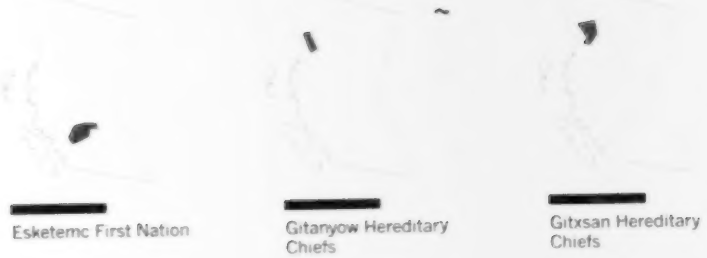
A separate agreement for land use planning in Haida Gwaii commits the Council of the Haida Nation and the BC government to establish a cooperative forest council; explore options for timber transfer and access; develop joint ventures between Haida and existing forest companies; and develop sustainable ecosystem planning.

Located on Haida Gwaii, the council has approximately 3,575 members.

Ditidaht First Nation/Pacheedaht Band

Treaty negotiations have continued over the past year, with a particular emphasis on wildlife, parks and protected areas, fisheries and co-management. The Treaty Commission continues to play an active role in facilitating these meetings.

Since August 1997, Ditidaht and Pacheedaht have been negotiating at a common table. Ditidaht, located near Nitinaht Lake, has approximately 630 members, while Pacheedaht, with approximately 250 members, is based in Port Renfrew. The First Nations' traditional territories span the southwest corner of Vancouver Island.



Esketemc First Nation

Gitanyow Hereditary Chiefs

Gitxsan Hereditary Chiefs

Esketemc First Nation

The Esketemc table continues to meet regularly. Negotiations have focused on culture and heritage as well as resources chapters, including forestry, water, and subsurface and mineral resources. Procedural chapters are also under discussion. Esketemc is researching potential treaty settlement lands as part of a land identification Treaty Related Measure (TRM).

A First Nation with approximately 700 members, Esketemc traditionally occupied and used the Alkali Lake area southwest of Williams Lake.

Gitanyow Hereditary Chiefs

In January 2005 the parties agreed that they had reached an impasse on the issues of certainty and the constitutional status of treaty lands. Gitanyow then presented a proposal for an incremental treaty that would allow the table to resolve other issues. However, the other parties indicated unwillingness to pursue this approach in the absence of more common ground on two above-noted subjects. As a result, the table is currently awaiting the results of higher-level discussions at the federal roundtable and as part of BC's new relationship process before resuming substantive discussions. The First Nation continues to engage with the Ministry of Forests on forestry issues.

Gitanyow's traditional territory spans the middle reaches of the Nass River. The First Nation has approximately 680 members.

Gitxsan Hereditary Chiefs

Negotiations at the Gitxsan table continue to progress slowly. Provincial and federal government mandates remain at odds with the Gitxsan traditional system of governance, preventing substantive negotiations in key areas, in particular land and resource issues. This is a major stumbling block. Consequently, negotiations are currently focused on process chapters.

Gitxsan traditionally occupied and used the land and water around the upper reaches of the Skeena and Nass Rivers. The First Nation includes Gitanmaaz Band Council, Gitwangak Band Council, Kispiox Band Council, Gitsegukla Indian Band and Glen Vowell Indian Band, and comprises approximately 5,600 members.

Haisla Nation

Hamatla Treaty Society (Laich-Kwil-Tach Komoks Council of Chiefs)

Heiltsuk Nation

Haisla Nation

Haisla negotiations have continued steadily over the past year as negotiators continue to work toward completing an agreement in principle in 2006. The parties have entered into a lands identification Treaty Related Measure (TRM) to facilitate the negotiation of land selection and land status issues. The results of this TRM will be presented to the parties in the fall of 2005.

Haisla are part of the Turning Point Initiative and continue to promote land use planning as an important tool in community and economic development. Haisla is also continuing to pursue economic and land initiatives.

The First Nation has approximately 1,450 members, with traditional territory around the Kitimat area and the north coast.

Hamatla Treaty Society (Laich-Kwil-Tach K'omoks Council of Chiefs)

The Hamatla table has continued to focus its efforts on internal restructuring over the past year. This resulted in the Treaty Commission receiving a separate Statement of Intent from the Tlowitsis First Nation. At a meeting in June, representatives of the Hamatla Treaty Society expressed the group's readiness to resume tripartite negotiations and tabled a number of draft chapters.

The Hamatla Treaty Society now comprises four Nations including K'omoks, Kwiakah, Wei Wai Kai and Wei Wai Kum. The First Nations traditionally occupied and used the land around Campbell River, Courtenay and Comox, including parts of Knight, Call, Loughborough, Bear and Toba inlets.

Heiltsuk Nation

No negotiations have taken place during the past year and Heiltsuk continues to await the outcome of negotiations at Stage 5 tables to determine how they will proceed.

Heiltsuk's traditional territory spans the central coast. The First Nation, based on Campbell Island, has approximately 2,070 members.

Homalco Indian Band

Hul'qumi'num Treaty Group

Hupacasath First Nation

In-SHUCK-ch Nation

Homalco Indian Band

Homalco negotiations have covered multiple topics over the past year, including lands, resources and governance. Recently, the table decided to concentrate on culture and heritage and marine resources while continuing work on other topics. The parties are also exploring the feasibility of pursuing an incremental treaty agreement on marine resources, which promises to provide more immediate benefits for the First Nation. Homalco has completed a Treaty Related Measure (TRM) on forestry.

The First Nation won a judicial review in the BC Supreme Court in March 2005. Homalco contended the provincial government had not met its duty to consult and accommodate the First Nation when approving an aquaculture licence amendment application to introduce Atlantic salmon to a fish farm in Bute Inlet.

Homalco has approximately 430 members, with traditional territory ranging from Campbell River and Bute Inlet watershed to Chilko Lake.

Hul'qumi'num Treaty Group

This past year was an active one for the Hul'qumi'num. The intense level of meetings has left the parties with a clear idea of what work remains to be done in order to reach an agreement in principle. The table made substantive progress in negotiations, preparing detailed language in 10 treaty chapters, completing two of them and scoping in detail the nature of the gaps between the parties on key issues. There is concern, however, that the federal and pro-vincial governments have been unable to negotiate a number of substantive issues that would form part of a comprehensive agreement in principle.

On July 25 a resolution was passed by the Hul'qumi'num Treaty Group accepting the Hwlitsum community as a full member of the Treaty Group, subject to the terms of the union being finalized over the next 12 months.

Hul'qumi'num Treaty Group represents approximately 6,000 people and six communities: Chemainus, Cowichan Tribes, Halalt, Lake Cowichan, Lyackson and Penelakut (with which the Hwlitsum community has an historical association). The First Nation's traditional territory encompasses the area around Duncan, north to Ladysmith, east to the Gulf Islands and the lower Fraser River and west to Cowichan Lake.

Hupacasath First Nation

The First Nation's focus continues to be on non-treaty business and other initiatives. However, the parties have been meeting over the past year to address Stage 2 issues and to start framework agreement negotiations.

Numbering approximately 230 people, the Hupacasath First Nation has its reserve in Port Alberni.

In-SHUCK-ch Nation

Since resuming treaty negotiations, the three parties have made substantive progress towards an agreement in principle. The parties agreed to focus-efforts to conclude agreement-in-principle negotiations and the parties are working hard to achieve this goal.

It is expected the parties will engage in land negotiations this fall, and attempt to resolve the final outstanding issues for the agreement in principle such as certainty, governance, taxation, fiscal relations, land management and economic development by March 2006.

The In-SHUCK-ch Nation traditionally occupied and used the land south of the Lillooet area and has approximately 840 members.

Kaska Nation

Katzie Indian Band

Kaska Nation

Negotiations remained stalled throughout 2005 as a result of the suspension of negotiations by the Government of Canada due to ongoing litigation by some of the Kaska communities. The parties have been attemoting to negotiate an abeyance of the litigation in order to resume negotiations. In the interim the Kaska continue to develop joint ventures with local companies and to work with the various ministries on resource management and planning in Kaska traditional territory.

The Kaska Nation communities continue to support the Northern Nations Alliance, an alliance with eight other northern First Nations and First Nation organizations with combined traditional territory covering half a million square kilometres in northern BC, the Yukon and Northwest Territories.

The treaty among alliance members asserts the rights and title of the member nations and ensures that all decisions affecting the future of northern nations' lands will be made in a cooperative manner with all signatory nations as full and equal participants. The Northern Nations Alliance is at work on a broad mandate that includes joint planning and management initiatives for economic development, resource management and land use planning and education, as well as negotiating agreements with First Nations, public governments and industry.

The Northern Nations Alliance includes Carcross/Tagish First Nation, Champagne/Aishihik First Nation, Dakh Ka Tlingit Nation, Daylu Dena Council, Dease River First Nation, Iskut First Nation, Kaska Dena Council, Kaska Tribal Council, Kwadacha Nation; Liard First Nation, Ross River Dena Council, Tahltan Band Council, Tahltan Central Council, Taku River Tlingit First Nation, and the Teslin Tlingit Council.

Kaska Nation includes Kaska Dena Council, Liard First Nation and Ross River Dena Council — with a combined membership of approximately 3,000. The First Nation's traditional territory ranges from north central BC to the Yukon and Northwest Territories.

Katzie Indian Band

Katzie negotiations have progressed steadily. Over the past year the table has substantially completed draft chapters on parks, wildlife, migratory birds and culture and heritage. Progress has also been made on forestry, access and Crown corridors, which will be revisited once land discussions have begun. Five procedural chapters are also nearly complete.

Negotiations on governance and fish started recently, and land negotiations are intended to begin this fall. A Treaty Related Measure to support Katzie in carrying out land research is currently under consideration. Katzie continues to consult with its community members on all topics under negotiation.

In addition, the Katzie table continues to show a keen interest in building intergovernmental relationships and exchanging information with local and regional governments in Katzie traditional territory. In April, Katzie met with the chief administrative officer, board members and representatives of the GVRD in order to discuss the sustainable region initiative and Katzie's views on sustainable development.

A First Nation with approximately 460 members, Katzie traditionally occupied and used the land and water around Pitt Lake, Pitt River, Surrey, Langley, New Westminster and Vancouver.

Klahoose Indian Band

Ktunaxa/Kinbasket Treaty Council (KKTC)

Lake Babine Nation

Lheidli T'enneh Band

Klahoose Indian Band

Discussion at the Klahoose table has been limited while the community adjusts to a new chief and council. Klahoose is currently seeking a mandate and community input on substantial issues before re-engaging in tripartite negotiations. The parties are considering re-engaging later this fall.

Klahoose has approximately 290 members and a traditional territory on the mainland opposite Campbell River.

Ktunaxa/Kinbasket Treaty Council (KKTC)

The Ktunaxa/Kinbasket table is striving to complete an agreement in principle in 2006. This table is making progress on key topics including lands, culture and heritage, wildlife, forestry and land use planning. The parties at the KKTC table have pursued innovative approaches in order to move negotiations forward. The table has developed MOUs to create intergovernmental management committees that provide a forum for discussing issues that impact KKTC at both the program and operational level. KKTC is structured as a citizen-based organization that takes direction not from the respective band councils, but rather from members at the annual general assembly.

The Ktunaxa/Kinbasket Treaty Council has approximately 1,150 members and includes Columbia Lake Band, Shuswap Indian Band, St. Mary's Indian Band and Tobacco Plains Band. The traditional territory extends from Columbia River south to Missoula Montana, west to Bonner's Ferry Idaho, north to the Upper Arrow Lakes area of British Columbia and east to the Rocky Mountains.

Lake Babine Nation

The Lake Babine Nation (LBN) continues to concentrate its efforts on internal restructuring for governance and treaty purposes. The Treaty Commission has met several times with the First Nation over the past year in order to determine how community members could become more engaged in treaty issues and negotiations. LBN indicated that it would inform the Treaty Commission as soon as arrangements for community involvement have been finalized.

Lake Babine, a First Nation with approximately 2,000 members, traditionally occupied and used the land and water around Lake Babine.

Lheidli T'enneh Band

The Lheidli T'enneh table is now in Stage 5 Final Agreement negotiations after signing an Agreement in Principle (AiP) on July 26, 2003. The AiP includes $12.8 million dollars, and will total approximately 4,027 hectares of land over which Lheidli T'enneh will have law-making authority concerning land management and development. In moving into Stage 5 negotiations, the parties at the Lheidli T'enneh table have concentrated efforts to date on clarifying the land package and engaging on a range of highly complex issues, including governance, forestry, taxation and fiscal arrangements. Lheidli T'enneh is engaged in projects to harmonize land use planning with, and to participate in the Regional District of Fraser-Fort George, as well as to harmonize land use planning and taxation with the city of Prince George.

Lheidli T'enneh traditionally used and occupied the land and water around Prince George, including the Nechako and Fraser River area to the Alberta border. Today, the First Nation has approximately 300 members and 685 hectares of reserve land just outside Prince George.

Maa-nulth First Nations

McLeod Lake Indian Band

Musqueam Nation

Maa-nulth First Nations

The parties at the Maa-nulth table have been actively engaged in Stage 5 negotiations over the past year. However, progress has recently been impacted by the death of George Watts, the Maa-nulth chief technical negotiator, and the decision by three of the nations to join the Nuu-chah-nulth legal action on fisheries against Canada and BC. This action is seeking recognition of an aboriginal right to fish commercially. A new technical chief negotiator has been named and negotiations are set to resume in September. It is anticipated the Treaty Commission will be actively involved in facilitating these negotiations.

Comprising the Ucluelet, Huu-ay-aht, Toquaht, Uchucklesaht and Ka:'yu:'k't'h'/Che:k'tles7et'h' nations, the total Maa-nulth population is approximately 2,000. Their traditional territories are concentrated in the Barkley Sound area and towards the northwest end of Vancouver Island. Formerly part of the Nuu-chah-nulth treaty table, the Maa-nulth signed a separate agreement in principle in October 2003.

McLeod Lake Indian Band

Little negotiation took place over the past year despite the First Nation's entry into the treaty process in February 2004. It was anticipated that these negotiations would build on the McLeod Lake Treaty 8 adhesion and settlement agreement that was finalized in 2000. To date, the parties have focused much of their attention on the scope of the topics still to be negotiated.

The McLeod Lake Indian Band currently has approximately 420 members, with the main community located 150 kilometres north of Prince George.

Musqueam Nation

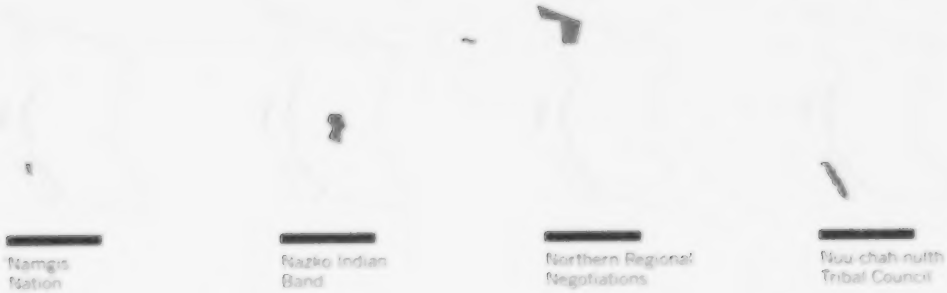
The parties at the Musqueam table signed a framework agreement, and held a signing ceremony on April 4, 2005. Agreement-in-principle negotiations have proceeded slowly as the parties have been in litigation over three important disposals/developments of Crown land in Musqueam's traditional territory. Musqueam has achieved declarations of a Crown duty to consult and possibly accommodate its interests in all three court actions.

In the most recent ruling in July, the BC Supreme Court granted a declaration that the provincial Crown had a duty to consult with Musqueam that was triggered when it contemplated moving an expanded casino to lands which it knew were subject to Musqueam claims. The court found the redevelopment of the property for the casino makes it unlikely the property will be available to the Musqueam before 2041 or be included in a Musqueam treaty settlement, in part because the development itself may make the lands more valuable and costlier to acquire.

However, the court refused to set aside the Lottery Corporation's decision to relocate the casino and decided that at this late date only an economic accommodation would be practicable.

The court directed the parties to assess the strength of the Musqueam's claim and determine the scope and content of the duty to consult and accommodate, and to return to court if they cannot agree.

The First Nation has approximately 1,080 members, with traditional territory spanning the Greater Vancouver area.



'Namgis Nation

Early in the year, 'Namgis made a decision to pursue further negotiations separately from the other First Nations negotiating as the Winalagalis Treaty Group. There has been substantive work completed on fisheries, wildlife, and heritage and artifacts chapters. While there have been limitations by BC on discussions regarding governance and co-management issues, this may change in the fall with the province's new relationship approach. The table is continuing discussions on forestry, fish, migratory birds and fiscal relations.

The 'Namgis are centred around Alert Bay with traditional territory stretching west and south from Port McNeil. The First Nation has approximately 1,360 members.

Nazko Indian Band

Nazko continues to focus on community involvement in the treaty process. There has been substantial discussion of forestry issues, and Nazko has entered into a forest and range agreement with the BC government. Nazko owns a logging company that is a major player in the local forest industry around Quesnel. Nazko has made arrangements to purchase Quesnel's old city hall, and will be moving the majority of their program and treaty offices starting this fall. The parties have entered into a lands identification Treaty Related Measure (TRM), which should result in a completed land inventory in 2006. Nazko comprises approximately 290 members with traditional territory to the northwest of Quesnel and south of Prince George.

Northern Regional Negotiations

Champagne and Aishihik First Nations, Carcross/Tagish First Nation, Taku River Tlingit First Nation and Teslin Tlingit Council are negotiating together at the Northern Regional Negotiations table. There has been no tripartite activity at the NRN table since Spring 2003, when the BC government announced it would not return to the table until it had reassessed its mandate for transboundary negotiations.

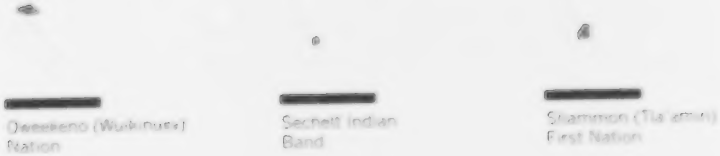
Since then, the First Nations have focused their efforts on solidifying and formalizing their cooperative relations with other First Nations in the Yukon and northern BC as part of the "Northern Nations Alliance" (NNA) (see above, under Kaska). In particular, the Northern Nations Alliance wants to "ensure that the future of our land, cultures, languages and way of life is secure for generations upon generations to come." In support of this goal, the NNA held a land use planning workshop in April 2005 in Whitehorse, which was supported and attended by the BC Treaty Commission. The workshop examined strategic land used planning as a possible tool for First Nations to play a role in addressing the increasingly pressing issues of land and resource development in the Yukon/northern BC and to advance their interests.

The Taku River Tlingit have been involved in a long legal battle opposing the construction of an access road through the Taku River watershed that would facilitate the re-opening of the Tulsequah Chief mine. In fall 2004, the Supreme Court of Canada ruled in *Taku* that the Crown had met its obligations to consult with and accommodate First Nations when it planned this project. In July 2005, the Tulsequah Chief project proposal passed a federal environmental assessment, thereby enabling the project to go ahead.

The First Nations at the Northern Regional Negotiations table represent approximately 2,160 members. The four First Nations traditionally occupied and used land and water in the southwestern Yukon and the northwestern corner of BC.

Nuu-chah-nulth Tribal Council

At the beginning of 2005, the parties recommenced negotiations on a regular basis, with facilitation by the Treaty Commission. Planning for further negotiations is currently underway.



The table comprises Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, Nuchatlaht, Tla-o-qui-aht and Tseshaht nations, with a combined population of approximately 5,500 people. The traditional territories of these nations span the west coast of Vancouver Island from Barkley Sound to Kyuquot Sound.

These nations, recently joined by three of the Maa-nulth nations, are currently involved in litigation with Canada and BC in which they seek recognition of an aboriginal right to fish commercially.

Oweekeno (Wuikinuxv) Nation

The Oweekeno table has made significant progress in their accelerated negotiations since last year. In addition to a number of agreed procedural chapters, many resource chapters, including fisheries, wildlife, migratory birds, heritage and artifacts and forestry, are nearing completion. Detailed discussions on lands and fish, and negotiations on tax and fiscal issues have yet to begin.

Wuikinuxv chose to pursue a unique approach to governance by proposing chapters on community justice and social services and incorporating governance provisions throughout the relevant chapters of the draft agreement in principle. This approach has assisted the parties in addressing Wuikinuxv's desire to be involved in land and resource management throughout their traditional territory.

Wuikinuxv is working on a land identification Treaty Related Measure (TRM) and hopes to acquire additional TRMs relating to parks management and fish.

The First Nation has established a community consultation process led by an internal treaty advisory committee. Wuikinuxv's annual general meeting in July was entirely dedicated to providing information on the status of negotiations and enabling dialogue between members of the nation and the treaty team.

The First Nation has approximately 240 members, with a traditional territory around the central coast south of Bella Coola.

Sechelt Indian Band

Earlier in 2005, the Treaty Commission met with the Sechelt chief and council for preliminary discussions on re-engaging in active treaty negotiations. At the time of writing there had been no further discussions. Sechelt has a number of concerns including the lack of adequate consultation with respect to mineral staking in their territory. Sechelt has been self-governing since 1986 when it signed the first self-government agreement in Canada, *The Sechelt Indian Band Self-Government Act*. Sechelt, a First Nation with approximately 1,050 members, traditionally occupied and used the land and water around the Sechelt Peninsula.

Sliammon (Tla'amin) First Nation

Following the approval of their agreement in principle in October 2003, Sliammon First Nation has been engaged in intensive Stage 5 negotiations. Of particular concern to the First Nation are forestry, governance and fiscal relations issues. Negotiations on forestry have progressed to a point where agreements are imminent, while negotiations on fiscal arrangements, particularly the treatment of "own source revenues," and on the extent and placement of First Nations governance authorities are continuing.

Sliammon continues to pursue cooperative relationships with the neighbouring municipality of Powell River and Regional District of Powell River as well as private sector partners. The First Nation and local and regional governments are also embarking on a pilot project for intergovernmental planning. The first step in this process is the development of a sustainable and comprehensive community plan for Sliammon First Nation.

Sliammon traditionally occupied and used the land and water around the Powell River area, including Sliammon, Powell Lake, portions of the Gulf Islands, Courtenay and the Desolation Sound area. Today the First Nation has approximately 900 members.

Snuneymuxw First Nation

Squamish Nation

Sto:Lo Nation

Te Mexw Treaty Association

Snuneymuxw First Nation

The table initialled an agreement in principle in April 2003 and recommended that it be ratified. The First Nation delayed their ratification vote in order to provide time to clarify a number of issues and hold community discussions. The ratification vote has not taken place yet, and the table has not engaged in tripartite negotiations over the past year.

Snuneymuxw's traditional territory ranges from central Vancouver Island — including Gabriola Island, Mudge Island and other adjacent islands — to the Nanaimo River watershed. The First Nation has approximately 1,350 members.

Squamish Nation

The Squamish continue to concentrate on economic development opportunities outside the treaty process, including the 2010 Winter Olympics. Consequently, the treaty table remains inactive.

Squamish's traditional territory ranges from the Lower Mainland to Howe Sound and the Squamish valley watershed, measuring 6,732 square miles. The First Nation has approximately 3,230 members, 2,000 of whom live on Squamish Nation reserves.

Sto:Lo Nation

Internal governance issues have stalled negotiations. The Stol:Lo Nation is contemplating a split into two separate entities. Both Sto:Lo groups have expressed their desire to remain in treaty negotiations, and the Treaty Commission is working with the groups to amend the Sto:Lo Nation Statement of Intent and restructure the negotiations to accommodate the interests of both groups. A fundamental requirement for the Treaty Commission's approval of the restructuring is a demonstration that a mandate to negotiate as separate groups has been given by the constituents of the 17 Sto:Lo communities.

Sto:Lo, a First Nation with approximately 3,600 members, traditionally occupied and used the land around the Fraser Valley, much of the Lower Mainland and the Harrison Lake watershed. The First Nation comprises 17 communities: Aitchelitx, Chawathil, Kwantlen, Kwaw-kwaw-Apilt, Lakahahmen, Matsqui, Popkum, Scowlitz, Seabird Island, Shxw'ow'hamel, Skawahlook, Skowkale, Soowahlie, Squiala, Sumas, Tzeachten, and Yakweakwioose.

Te'Mexw Treaty Association

The table continues to make progress on key treaty chapters and has now substantially completed nine chapters. An additional three chapters are nearing completion and the negotiators hope to complete these and all other chapters needed for an agreement in principle by spring 2006. Canada and BC are hoping to present an offer to Te'Mexw at that time with the expectation that the First Nations would respond by fall 2006. The goal is to conclude a comprehensive agreement in principle in order to shorten the time it will take to reach a final agreement.

The Te'Mexw Treaty Association comprises five communities — Beecher Bay, Malahat, Nanoose, Songhees and Sooke — with a combined membership of approximately 1,260. These First Nations traditionally occupied and used the land and water around the southern tip of Vancouver Island.

Tlowitsis Nation

Tsawwassen First Nation

Tsay Keh Dene Band

Tlowitsis Nation

Formerly part of the Hamatla Treaty Society, the Tlowitis Nation had its Statement of Intent accepted by the Treaty Commission in June 2005. The Treaty Commission convened an initial meeting of Tlowitsis First Nation and the provincial and federal governments in August. The Treaty Commission is now assessing each party's readiness to move into Stage 3 of the treaty process.

The Tlowitsis Nation comprises 349 people, and its traditional territory traditional spans northeast Vancouver Island and nearby portions of the mainland.

Tsawwassen First Nation

Following approval of the agreement in principle in March 2004, Tsawwassen First Nation has been engaged in Stage 5 negotiations. Issues involving land, resources, fiscal/tax, governance and general provisions are obstacles that need to be overcome. The parties took a break earlier in the year to evaluate their positions and are now seeking ways to reinvigorate negotiations this fall. Of interest to TFN is how other Stage 5 tables are proceeding with critical issues. Tsawwassen will be watching how the new relationship with the province changes the political will and negotiation mandates that will translate into tangible benefits for the TFN.

Tsawwassen, comprising approximately 270 members, traditionally occupied and used the land and water around Pitt Lake and the Fraser River delta to Point Roberts and Saltspring Island.

Tsay Keh Dene Band

The table is looking at December as the target date to undertake a key assessment of progress to date. A priority ranking is being given to all the chapters of an agreement in principle to assist in the development of the work plan. The table has agreed to look at other negotiations for language and approaches that may move chapter work along and help the table set priorities. There are two active Treaty Related Measures: on land selection and on economic studies, to be completed in 2006.

Tsay Keh Dene's traditional territory is located in the general vicinity of Williston Lake and reaches north to Mount Trace, west to South Pass Peak, south to the Nation River and east to Mount Laurier. The First Nation has approximately 320 members.

Tsimshian First Nations

Tsleil Waututh Nation

Westbank First Nation

Wet'suwet'en Nation

Tsimshian First Nations

For much of 2004 the Tsimshian communities were engaged in discussions and litigation to address significant internal governance and treaty funding issues. Unfortunately, these issues could not be resolved to the satisfaction of the communities, and in spring 2004 two of the seven member communities (Lax Kw'alaams Band Council/Allied Tsimshian Tribes, and the Kitkatla Nation) separated from the Tsimshian Nation. The other Tsimshian communities withdrew from the central Tsimshian Nation treaty coordination entity, the Tsimshian Tribal Council (TTC).

The remaining five Tsimshian communities amended the Tsimshian Statement of Intent to reflect the separation of Lax Kw'alaams and Kitkatla, the change of the First Nation's name to "Tsimshian First Nations," and the establishment of a new central administrative, funding and coordinating body to replace the TTC. On December 8, 2004 the Treaty Commission received the amended Statement of Intent. The Tsimshian First Nations re-engaged in substantive AiP negotiations in spring 2005.

The Tsimshian First Nations traditional territory spans the Northwest Coast, including Prince Rupert and Terrace and has a population of approximately 4,000.

Tsleil Waututh Nation

The Tsleil-Waututh First Nation has made progress at the negotiating table this year with two Treaty Related Measures (TRM). The first, to be finished this fall, is an intergovernmental relations TRM; the second is a land status TRM, which should be completed in December. Although chapter work has been slow — the parties have been reviewing current final agreement language where it is available — the Tsleil-Waututh First Nation feels that much needed treaty work is being done through the TRMs.

Tsleil-Waututh traditionally occupied and used the land and waters around North Vancouver and the Lower Mainland. The First Nation has approximately 380 members.

Westbank First Nation

The parties are continuing work on land selection and Westbank is preparing an outline of the components that will form an agreement in principle. The outline comprises three elements: a framework of core elements; issues already agreed to or that are relatively non-contentious; and issues to be negotiated. Now that the Westbank self government agreement is at the implementation stage, the First Nation is dedicating more resources to tripartite treaty negotiations. The parties are looking at November 2005 as the date for a chief negotiators' meeting to assess the effectiveness of their planning process.

Located in the Kelowna area, Westbank has approximately 590 members.

Wet'suwet'en Nation

A new treaty team is planning for the greater inclusion of community members in the discussions on treaty negotiations. This table is still struggling with how to proceed with an incremental treaty agreement — a mandate given by the chiefs in March 2004 — without losing sight of an agreement in principle. The team is focusing on community workshops to inform their members and to discuss their treaty negotiations.

Wet'suwet'en traditionally occupied and used the Bulkley River drainage area in northwest BC. The First Nation includes Hagwilget Village Council and Moricetown Band and has approximately 2,450 members.

Winalagalis Treaty Group

Yale First Nation

Yekooche Nation

Winalagalis Treaty Group

There has been progress on several chapters at the Winalagalis table including language, heritage and culture, environmental management and forest resources. In June 2005 the parties formed a lands technical working group in order to identify key issues and initiate substantive discussions on lands. Winalagalis is attempting to engage the parties in lands, co-management and governance discussions, and is looking at the fall as a target for progress on these issues.

Winalagalis Treaty Group is a grouping of four First Nations, Da'naxda'xw Awaetlatla Nation, Gwa'Sala-'Nakwaxda'xw Nation, Quatsino First Nation and Tlatasikwala Nation. The member nations traditionally occupied the land and water around the north end of Vancouver Island and comprise approximately 2,200 members.

Yale First Nation

Negotiations with Yale First Nation moved rapidly through most of 2004 as the parties attempted to conclude an agreement in principle, but became stalled over key fish and governance issues. The negotiations have since begun to move again and the table hopes to achieve an agreement in principle later this fall.

The First Nation traditionally occupied and used the land around Yale, north of Hope. It has approximately 140 members.

Yekooche Nation

An agreement in principle was formally approved by the parties at a signing ceremony on August 22 in the community of Yekooche. The table began final agreement negotiations at the beginning of the summer and these are going well. The table is considering solutions to resolve the major issues of access, the pine beetle infestation, future economic development opportunities and overlaps. The community transformation process, which addresses healing and social issues, is an important component of pre-treaty activities and continues to make progress.

ABOUT THE TREATY COMMISSION

The Treaty Commission is the independent and neutral body responsible for facilitating treaty negotiations among the governments of Canada and BC and First Nations in BC. The Treaty Commission does not negotiate treaties — that is done by the three parties at each negotiation table.

The Treaty Commission and the treaty process were established in 1992 by agreement of Canada, BC and the First Nations Summit. They are guided by the agreement and the 1991 Report of the BC Claims Task Force, which is the blueprint for the made-in-BC treaty process. The Treaty Commission was mandated to facilitate negotiations towards fair and durable treaties under the six-stage treaty process. The process is voluntary and open to all First Nations in BC.

As the independent keeper of the BC treaty process, the Treaty Commission carries out three complementary roles: facilitation, funding and public information and education.

The Treaty Commission's operating budget for 2004–05 was $1.99 million and its total funding for operations from 1993 to March 31, 2005 is $24.22 million. In addition to the four part-time commissioners and the full-time chief commissioner, the Treaty Commission employs 13 staff. Funding for administering the treaty process and for settlement costs is borne jointly by the federal and provincial governments. The government of Canada contributes 60 per cent of the Treaty Commission's budget and the BC government contributes 40 per cent.

Report on Facilitation

The Treaty Commission's primary role is to oversee the negotiation process and ensure the parties are being effective and making progress in negotiations.

In carrying out this role, the Treaty Commission:

> Accepts First Nations into the treaty process and assesses when the parties are ready to start negotiations;
> Monitors and reports on the progress of negotiations and encourages timely negotiations by helping the parties to establish meeting schedules and monitor deadlines;
> Chairs key meetings at tables and offers advice, where requested;
> Identifies and reports on key obstacles to progress;
> Assists the parties in developing solutions and in resolving disputes;
> Facilitates and coordinates high-level talks among the Principals and helps to identify priority issues and opportunities;
> Supports pilot projects with the potential to promote progress in treaty negotiations (e.g., intergovernmental community planning, First Nation land use planning);
> Develops policies and procedures for the six-stage treaty process; and
> Monitors compliance with the fundamental principles for treaty making as set out in the Treaty Commission's Mission Statement.

The Treaty Commission continues to devote the greater part of its time and resources to facilitation. Indeed, over the past year demand for the Treaty Commission's facilitation services has been on the increase, with the chief commissioner, commissioners and staff being more frequently called on to facilitate both specific key meetings and whole sequences of meetings.

The Treaty Commission anticipates there will be even further need for its facilitation services at treaty tables and this demand has implications for current personnel levels. Based on recent experience and analysis, we foresee the increase in demand arising from a number of circumstances. These include:

> Intensified tripartite negotiations at advanced Stage 5 tables;
> Intra-First Nation dialogue where break-ups threaten, particularly as multi-community First Nations draw closer to agreements;
> Intensified inter-First Nation dialogue on overlapping and shared territories;
> Negotiations on subjects best resolved on a sectoral or regional basis, for example, fish;
> Interim measures-type negotiations flowing from the duty to consult and accommodate, where requested by the parties; and
> Potential involvement in high-level talks.

Reporting on Funding

The Treaty Commission allocates negotiation support funding so that First Nations can prepare for and carry out negotiations on a more even footing with the governments of Canada and BC. For every $100 of negotiation support funding allocated, $80 is a loan from Canada, $12 is a contribution from Canada and $8 is a contribution from BC.

The governments of Canada and BC and the First Nations Summit agreed to three significant changes to negotiation support funding agreements that came into effect on April 1, 2004.

In previous years, First Nations had to accept their loan allocation — as determined by the Treaty Commission following the guidelines it was given — in order to receive their contribution funding from Canada and BC. Now First Nations may accept only the non-repayable contribution or take any portion of their loan allocation. As of March 31, 2005, several First Nations had taken fewer loan dollars than otherwise would have been required.

Canada also agreed there would be no interest on loans made to First Nations in Stage 5 (negotiating a final agreement) between April 1, 2004 and March 31, 2009. This removes a potential disincentive for First Nations to complete agreements in principle and enter Stage 5.

Unless treaties come into effect, or the loans are in default, loans will come due 12 years from the date of the first loan advance, so the first loans will become due in August 2006. The Treaty Commission may now, if requested, recommend a five-year extension to the 12-year due date. It is expected that most, if not all, First Nations now in the treaty process will request and receive extensions over the next few years.

Since opening its doors in May 1993, the Treaty Commission has allocated approximately $325 million in negotiation support funding to more than 50 First Nations, representing approximately two-thirds of the First Nations in the province — $260 million in loans and $65 million in non-repayable contributions.

Report on Public Information and Education

As the independent voice of treaty making in British Columbia, the Treaty Commission is uniquely positioned to analyze and demystify complex treaty issues. The governments of Canada and BC also share responsibility for public information. As well, the three parties in each set of negotiations — Canada, BC and First Nations — provide specific information on their negotiations.

Ongoing Communications Commitments

The governments of Canada and BC have funded the Treaty Commission to provide public information and education on treaty making in BC since 1997. To reach audiences throughout BC, the Treaty Commission provides a variety of communications tools, including a website, annual report, newsletters, special publications, videos, displays and television documentaries. Commissioners regularly deliver presentations to special events, community forums, business organizations, schools and post-secondary institutions. In addition to providing up-to-date information on the current state of the treaty process, the Treaty Commission has an important role to play in supporting public information efforts by individual treaty tables. To assist with these efforts, commissioners and treaty advisors regularly attend information forums with First Nation constituents and with the broader non-aboriginal community.

Website

To meet the needs of users, we have just recently updated the look and structure of the Treaty Commission website at www.bctreaty.net. Since re-launching as a one-stop shop for treaty information in April 2003, traffic to the site has more than doubled and now averages approximately 15,000 unique visits each month.

Community Visits

To hear first hand from the people who are on the front lines of treaty making in the province, the Treaty Commission has initiated a series of community visits, with the first event held in Prince George in May 2005. The objectives of these events are to improve access to commissioners and staff, build relationships and improve communication between individuals, gather information first hand and provide information. Events will continue into 2006, contingent on funding.

Sharing the Vision

Again this year, the Treaty Commission cooperated with Indian and Northern Affairs Canada to produce a second video exploring the benefits of resolving treaty issues in the province. *Sharing the Vision* captures the views of business, local government and First Nation leaders on the need for certainty in treaties and the desire to build that certainty through good relationships and strong partnerships.

This 18-minute video features interviews with Tsawwassen Chief Kim Baird, Lheidli T'enneh's Chief Dominic Fredrick and former Chief Barry Seymour, BC Chamber of Commerce President John Winters, Union of BC Municipalities President Aaron Dinwoodie, Alcan Corporate Affairs Director Richard Prokopanko, Prince George Mayor Colin Kinsley and Keith Bishop of Telus.

Sharing the Vision is intended primarily for viewing by groups and organizations and is now available on VHS and DVD. To obtain a copy, please contact: Indian and Northern Affairs Canada, Toll Free: 1-800-665-9320. Email: bcinfo@ainc-inac.gc.ca

Talking Circles

The Treaty Commission continues to promote talking circles among aboriginal women as a means to engage more women in treaty and other issues, using its video *Our Sacred Strength, Talking Circles Among Aboriginal Women* as a catalyst for discussions. Film events were held in Campbell River, Abbotsford, Prince George and Terrace between October 2004 and February 2005 to raise awareness of the project. The Treaty Commission also placed full-page advertorials in the January 2005 issues of *Kahtou* and *Raven's Eye* newspapers and partnered with CRTV in Campbell River to have the video aired several times on the local network.

Treaty Commissioners

The First Nations Summit members elect two commissioners and the federal and provincial governments appoint one each to serve two-year terms. The chief commissioner is appointed to a three-year term by agreement of the three Principals.

Steven Point was appointed chief commissioner by agreement of the governments of Canada and British Columbia and the First Nations Summit effective February 28, 2005. He has been a provincial court judge since February 1999. Judge Point served as the Tribal Chair of the Sto:Lo Nation from 1994 to 1999 and elected Chief of Skowkale First Nation for 15 years between 1975 and 1999. Recently he was given the title of Grand Chief. Point received an Honorary Doctorate of Law degree from the University College of the Fraser Valley in June 2000 and is a recipient of a National Aboriginal Achievement Award, also in 2000. He received a Bachelor of Laws degree from UBC in 1985 and was called to the Bar in British Columbia in 1986.

Wilf Adam was re-elected commissioner by the First Nations Summit in March 2005 to serve a sixth consecutive term. Former Chief Councillor of the Lake Babine Band and chair of the Burns Lake Native Development Corporation, Adam co-founded the Burns Lake Law Centre. Adam was born in Burns Lake and raised at Pendleton Bay. He is a graduate in Business Management from the College of New Caledonia in Prince George.

Jody Wilson was re-elected commissioner in March 2005 to a second term by the First Nations Summit. Raised in the Comox Valley, Wilson is a member of the We Wai Kai First Nation of the Laich-Kwil-Tach K'omoks Council of Chiefs. Prior to this post, Wilson worked for nine months as an advisor at the BC Treaty Commission and two years as a Provincial Crown Prosecutor. She holds a Bachelor of Laws from the University of British Columbia (1999) and a Bachelor of Arts in Political Science and History from the University of Victoria (1996). Wilson has been an active member of the BC Bar since 2000.

Michael Harcourt was re-appointed to the Treaty Commission by the Government of Canada in May 2005. Harcourt served as British Columbia's premier from 1991 to 1996 and as mayor of Vancouver for three terms from 1980 to 1986. Harcourt is Senior Associate of the Liu Centre (UBC) for Studies of Global Issues, which is responsible for the Plus 30 Project Planning for Long-term Urban Sustainability. His commitment to the treaty process is long-standing; as premier in 1992 Harcourt signed the agreement establishing the Treaty Commission.

Jack Weisgerber was appointed to a second two-year term in February 2004 by the Government of British Columbia. Weisgerber represented Peace River South in the BC Legislature for 15 years from 1986 to 2001. He became BC's first Minister of Aboriginal Affairs in 1988, and in 1991 he was appointed Minister of Energy, Mines and Petroleum Resources. His leadership was also key to the formation of the BC Claims Task Force.

When you talk about... a huge land expansion... new powers... governing yourself... there's excitement in our communities.

George Watts

(1945 – 2005) from the film Sharing the Experience, 2004

For details on the six-stage treaty process
and recommended resources, see our website.

www.bctreaty.net

BC TREATY COMMISSION

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Merging the past and present, the Treaty Commission symbol represents the three Principals in modern day treaty making — the governments of Canada and British Columbia and First Nations. Pointing in an upward and forward direction, the symbol implies a "coming together" pivotal to successful negotiations and treaty making.